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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,719	09/23/2003	Jeffrey Daniel Williams	14270	2444

7590

04/19/2006

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EXAMINER

DUNN, DAVID R

ART UNIT PAPER NUMBER

3616

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/668,719	Applicant(s) WILLIAMS, JEFFREY DANIEL	
	Examiner David Dunn	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 28-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/23/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I in the reply filed on January 30, 2006 is acknowledged.
2. Claims 28-39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 30, 2006.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "attachment rings" (see claims 7 and 17) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

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renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 7 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not describe the cushion throat comprising "attachment rings"; therefore, one of ordinary skill in the art would not know what "attachment rings" on the cushion are or how make them.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9 and 10 recite the limitation "The overhead airbag module". There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 4-11 and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by White, Jr. et al. (US 5,613,704).

White, Jr. et al. discloses an airbag module comprising: an airbag inflator (16); an airbag cushion (12) having a cushion throat (lower portion surrounding inflator; see Figures 2 and 3), a windshield face, an occupant face, an inboard face, and an outboard face (airbag has all four sides; see for example, 12 in Figure 3); and a one-piece clamshell inflator housing (18) comprising an inflator sleeve (110) and a diffuser sleeve (100), the inflator sleeve configured to receive and close about the airbag inflator (see column 4, lines 42-50). The cushion throat is configured to be coupled to the inflator housing (see apertures 138). The inflator housing has cushion attachments (54), which are pegs. The apertures 138 are interpreted to be attachment rings. The inflator housing comprises fasteners (126; Figure 8) for maintaining a closed position. Regarding claim 11, White, Jr. et al. notes that can be an inflatable head liner, which is an overhead airbag. Regarding claims 10 and 20, the method of folding is an intermediate process

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step which is immaterial to the final module product; White, Jr. et al. discloses the same structure as claimed.

10. Claims 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Shellabarger (US 5,632,506).

Shellabarger discloses an airbag cushion having a throat portion (80; Figure 5) and a cushion portion (60), the throat portion further comprising a loop diffuser (140, Figure 5; see also 128 in Figures 6-8). The loop diffuser is an internal sleeve having a diffuser orifice (90).

11. Claims 21-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Taguchi et al. (US 5,951,038).

Taguchi et al. discloses an airbag cushion having a throat portion (lower part, at inflator, see Figure 2A) and a cushion portion (upper portion 21), the throat portion comprising a loop diffuser (22). The loop diffuser has a windshield-facing panel and an occupant-facing panel, being attached to form a closed sleeve (see 22; Figure 2B). Each panel has a diffuser orifice (22b, 22a; see also Figure 3).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2, 3, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over White, Jr. et al. in view of Shellabarger.

White, Jr. et al. is discussed above but does not show a loop diffuser.

Shellabarger is discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify White, Jr. et al. with the teachings of Shellabarger to provide the diffuser in order to more evenly distribute the inflation gas.

14. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kithil (US 5,602,734) in view of Taguchi et al.

Kithil discloses an overhead airbag (see Figure 5), but does not show a loop diffuser.

Taguchi et al. is discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kithil with the teachings of Taguchi et al. to provide the diffuser in order to more evenly distribute the inflation gas.

Conclusion

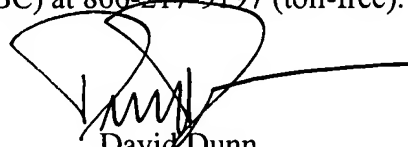
15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eckert shows an overhead airbag of interest. Spencer et al. shows a clamshell cover. Fujimura et al. shows an airbag apparatus of interest.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David Dunn', with a long horizontal line extending to the right.

David Dunn
Primary Examiner
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